

WORKMAN | NYDEGGER

1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Phone: (801) 533-9800
Fax: (801) 328-1707

**RECEIVED
CENTRAL FAX CENTER**

MAY 03 2005

FAX TRANSMISSION COVER SHEET

Date: May 3, 2005
To: Amendment
United States Patent & Trademark Office
Fax: (703) 872-9306
Phone:
From: R. Burns Israelsen
Re: Serial No. 10/769,361
Filing Date: 01/30/2004
Docket No.: 13646.8.1.3


YOU SHOULD RECEIVE 7 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 801-533-9800

Comments:

Please see attached.

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 13646.8.1.3	
In Re Application Of: Ricky B. Steck, et al.					
Application No. 10/769,361	Filing Date 01/30/2004	Examiner Willis Ray Wolfe, Jr.	Customer No. 022913	Group Art Unit 3747	Confirmation No. 7919
Title: FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is:					
<ul style="list-style-type: none">- Response to Office Action (2 pgs)- Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 pg)- PTO-2038 Credit Card Form in the amount of \$130.00 (1 pg)					
in the above identified application.					
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No additional fee is required.</div><div><input type="checkbox"/> A check in the amount of _____ is attached.</div></div>					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.					
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Charge the amount of _____</div><div><input checked="" type="checkbox"/> Credit any overpayment.</div><div><input checked="" type="checkbox"/> Charge any additional fee required.</div></div>					
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<div style="text-align: center;"> _____ Signature</div> <p>R. BURNS ISRAEISEN Attorney for Applicant Registration No. 42,685</p>			Dated: May <u>3</u> , 2005		
cc:			<div style="font-size: small;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</div> <div style="text-align: center; margin-top: 5px;">_____ (Date)</div> <div style="text-align: center; margin-top: 5px;">_____ Signature of Person Mailing Correspondence</div> <div style="text-align: center; margin-top: 5px;">_____ Typed or Printed Name of Person Mailing Correspondence</div>		

Application No. 10/769,361
Response to Office Action dated May 3, 2005
Reply to Office Action mailed 04/19/2005

is appropriate because both the present application and the '593 patent are commonly owned as shown by an assignment recorded at Reel 013276 and Frame 0124.

The terminal disclaimer overcomes the double patenting rejection of claim 1. Applicants submit that claims 2-14 are now allowable because the rejection of claim 1 has been overcome. Thus, allowance of the claims is respectfully requested. Applicants note that none of the claims have been amended by this paper.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May, 2005.

Respectfully submitted,



R. BURNS ISRAELSEN
Registration No. 42,685
Attorney for Applicant
Customer No. 022913

RBI:blh
WA136468.1.3\BILM0000004122V001.DOC